

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

VICTOR LOGAN,
Petitioner,

vs.

No. 18-3177-JTM

SHANNON MEYER, Warden, *et al.*,
Respondents.

MEMORANDUM AND ORDER

By prior Order (Dkt. 26), the court denied state prisoner Victor Logan's habeas corpus petition. The matter is now before the court on Logan's Motion for Leave to Appeal *in forma pauperis*. Although the court has also denied Logan's request for a certificate of appealability (Dkt. 32), the standards for relief are different. Leave to proceed *in forma pauperis* may be allowed so long as a appeal is taken in good faith. *See Seadin v. Williams*, 800 F. App'x 673, 674 (10th Cir. 2020), *cert. denied*, No. 20-5732, 2020 WL 6551825 (Nov. 9, 2020). A petitioner's burden for a certificate of appealability "is considerably higher" than the burden of "good faith" for leave to proceed in forma pauperis. *Moore v. Pemberton*, 110 F.3d 22, 24 (7th Cir. 1997) (per curiam).

The court finds no reason to believe the appeal is not taken in good faith, and the financial records show petitioner is entitled to relief.

IT IS HEREBY ORDERED this day of November, 2020, that petitioner's motion (Dkt. 33) for leave to proceed is GRANTED.

J. Thomas Marten

J. Thomas Marten, Judge